

Serial No.: 09/848,046

### REMARKS

Claims 7-12 are pending in the application. Applicants acknowledge with appreciation the withdrawal of the previous rejection under 35 USC §112, first paragraph.

#### **I. REJECTIONS OF CLAIMS 7-12 UNDER 35 USC §103(a)**

Claims 7-10 stand rejected under 35 USC §103(a) based on *Kawase* in view of *Van et al.* Claims 7-12 stand rejected under 35 USC §103(a) based on *Kawase* in view of *Van et al.* and *Inui et al.* Withdrawal of each of the rejections is respectfully requested for at least the following reasons.

Claims 7 and 10 were previously amended to recite that "the second beam trace further comprises at least one data region in a track adjacent to the first beam trace". Support for the amendment was found, for example, at page 27, line 31 to page 28, line 26, in reference to Figs. 6B and 6C. Because of such feature, it becomes possible to easily produce an optical disk master having an improved recording density efficiency. (See, e.g., Spec., p. 8, ln. 32 to p. 9, ln. 6).

The Examiner rejects claims 7-12 based primarily on *Kawase* in view of *Van et al.* However, the Examiner does not describe how the teachings of the references are combined so as to result in a second beam trace comprising a data region in a track adjacent to the first beam trace as recited in amended claims 7 and 10. Thus, applicants respectfully submit that the Examiner has not set forth a sufficient *prima facie* basis for the obviousness-type rejection.

In order for a rejection to be proper under 35 USC §103(a), the Examiner must set forth a *prima facie* basis for the rejection. The Examiner has not described how the teachings of the respective references are found to include the claimed second beam trace comprising a data region in a track adjacent to the first beam trace as recited in amended claims 7 and 10. Nor has the Examiner described any basis for combining such non-described features. Accordingly, withdrawal of the rejections is respectfully requested on such basis alone.

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*Kawase* teaches that a clock groove is formed by a laser beam deflected radially from the disk with a small pitch in such a manner that a number of clock pits overlap one another, thus forming the clock groove. In this case, the disk is subject to multiple exposure. (See, e.g., Col. 5, lns. 6-9).

*Van et al.* describes a two-beam master cutting system where exposed areas 24a with a narrower width than the exposed areas 24 and 25 on the header of the master plate are formed. (See, e.g., Fig. 8 and Col. 6, ln. 45 to Col. 7, ln. 22).

*Kawase* fails to teach or suggest "the second beam trace comprises a data region in a track adjacent to the first beam trace".

Similarly, *Van et al.* fails to teach or suggest "the second beam trace comprises a data region in a track adjacent to the first beam trace". *Van et al.* only describes formation of guide grooves 1, and formation of pit latent images that correspond to the header of the optical memory.

As previously stated, the Examiner fails to explain how the above-discussed feature is taught by the references. Also, it is unclear how such feature could be obtained from a combination of the references. Therefore, the rejection must be withdrawn.

Furthermore, the applicants reemphasize that the one beam of the present invention produces not only the first beam trace, but also the second beam trace. This is totally different from the cited references for the reasons previously described.

Withdrawal of the rejections is therefore respectfully requested.

### **III. CONCLUSION**

Accordingly, claims 7-12 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

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Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

  
Mark D. Saralino  
Registration No. 34,243

DATE: October 7, 2004

The Keith Building  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, Ohio 44115  
(216) 621-1113  
C:\GENYAMA\yamap594a.am6.wpd

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